



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARVIN L. SCHURKE, Executive Director

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MINUTES

January 10, 2006

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Hearing Room at the Commission's Olympia office, 112 NE Henry Street, Suite 300, Olympia, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Douglas G. Mooney, Commissioner
Marvin L. Schurke, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Assistant to the Commission
Mark S. Downing, Compliance Officer

Also present and participating:

Herb Harris, Washington Public Employees Association
John Dryer, OFM Labor Relations Office

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on November 8, 2005, were approved as amended at this meeting.

REPORT OF THE EXECUTIVE DIRECTOR

1. Mr. Schurke reported that 61 cases were filed during the month of December. The near-average total was a surprise, because filings were very slow at the beginning of the month. We are beginning to see grievance mediation requests ("G" cases) made under the "alternative dispute resolution" language of contracts signed under the PSRA.
2. There were 54 cases closed in December. This is normal for December, when many staff members are on leave.
3. There were 501 cases pending at the end of December.



4. Mr. Schurke reviewed the "Red List" (cases ready for decision more than 90 days), which had 13 cases on the list, and the "Yellow List" (cases ready for decision 45 - 89 days). He reported that the management team went over those lists in detail during a meeting held on January 5, 2006.
5. Mr. Schurke reviewed the list of PSRA representation cases filed in 2005. There were two cases ready for decision, and Mr. Schurke was actively working on both decisions.
6. The Commission reviewed a letter from David M. Alfred, Executive Director of the Employee Relations & Negotiations Network, requesting Kenneth Latsch's participation in their 16th Annual Employee Relations and Negotiations Network conference on February 14th. The Commission unanimously approved Mr. Alfred's request.
7. The Commission reviewed a letter from Sydney D. Vinnedge commending staff member Terry Wilson for his professionalism in handling a representation case involving the City of Quincy.
8. Mr. Schurke reported that the Rules Focus Group is progressing nicely, with another meeting scheduled next week.

LEGISLATIVE REPORT

Mr. Schurke reported that Ken Latsch, Jim Lohr, and Dario de la Rosa will again assist in monitoring the Legislature.

Mr. de la Rosa commented that the confirmations of Commissioner Mooney and Commissioner Bradburn were voted out of committee last year, and will remain on the Senate floor (rather than being returned to the committee) until final confirmation. Chairperson Sayan's confirmation hearing will be scheduled before the Senate Labor, Commerce, Research & Development Committee.

Three pieces of legislation are being followed:

1. House Bill 2475 - Collective bargaining by individual providers under the Health Care Quality Authority. This bill uses language that was added to HB 1349 by amendment last session. The SEIU wants the law changed to make the DSHS "shared living rule" and similar rules a subject of bargaining. PERC has been asked for a fiscal note, but has had to wait for assumptions from the lead agency (OFM) before submitting estimated costs.

2. House Bill 2353/Senate Bill 6165 - Collective bargaining for family child care providers. This bill impacts 8000 to 10,000 individuals and small businesses who receive state subsidies under DSHS programs. The SEIU wants this legislation, which is largely patterned after the bargaining process under Chapter 41.56 RCW for the individual providers under the Home Care Quality Authority. The SEIU won an election held under an executive order in Illinois, and is seeking recognition here on the basis of an election it paid for the American Arbitration Association to conduct last November. Analysis by our staff indicates numerous litigation potentials in this unusual legislation, which would also grant lobbying rights to the union for people who have no bargaining rights. PERC has been asked for a fiscal note, but has had to wait for assumptions from the lead agency (OFM) before submitting estimated costs.
3. House Bill 2333 - Providing parity for home care workers employed through private agencies. This bill may actually require payment of twice as much as negotiated by the state with the SEIU for the home care workers under the HCQA. John Dryer of the Labor Relations Office commented that OFM has the same concerns as PERC.

COMPLIANCE DOCKET

Compliance Officer Mark S. Downing reported on the cases listed on the agenda.

Western Washington University, Case 18733-U-04-4760. Mr. Downing reviewed the history of the case and noted that the parties started communicating again last week. They are discussing removal of bargaining unit work and a request for information about a rumored discretionary fund, but no fund by this name has been found. Mr. Downing has confirmation from both parties that the information will be provided. Eric Nordlof of Public School Employees has indicated the union will wait for that confirmation. Mr. Downing asked that the matter be held over until the February meeting, and the Commission concurred.

COURT DOCKET

City of Edmonds, Cases 17478-U-03-4530 and 17479-U-04-5631. Mr. Downing reviewed the history of the case and reported that the union filed an appeal in the Superior Court for Thurston County. The agency was served on December 13, 2005.

State - Ecology, Case 19318-E-05-3046. Mr. Downing reviewed the history of the case (including the union's petition for judicial review of an interlocutory order) and reported that the Superior Court for Thurston County has granted the union's request to amend its appeal now that the Commission has issued its final order in the matter. After discussion, the Commission unanimously agreed that Assistant Attorney General Spencer Daniels will be asked to take an active role in the matter.

COMMISSION DOCKET

The Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS


The Commission agreed to move their February meeting to Monday, February 13, 2006, in the Olympia office.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


DOUGLAS G. MOONEY, Commissioner

ATTEST:


MARVIN L. SCHURKE, Executive Director